

REMARKS

A response to the August 30, 2001 Office Action was due November 30, 2001. Applicants are concurrently filing a petition for a Two Month Extension of Time with the respective fee. Therefore, a response is due January 30, 2002. Accordingly, this Amendment is being timely filed.

Applicants have carefully studied the outstanding Office Action. The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Claims 2-5, 8-12, 14-16, 18-22, 24, and 27-38 are presently pending in the application. Claims 1, 6, 7, 13, 17, 23, 25, and 26 have been cancelled without prejudice. Claims 2-5, 8-12, 14-16, 18-22, and 24-29 have been amended and claims 30-38 have been added to further define Applicants' invention and to correct typographical errors. Applicants assert the amendments to the claims add no new matter. Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version With Markings to Show Changes Made". None of the amendments described above narrow the scope of the amended claims. Accordingly, these amendments are not subject to the complete bar against the use of the Doctrine of Equivalents as outlined in *Festo Corporation v. Shoketsu Kinsoku Kogyo Kabushiki Co., Ltd.*

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The Examiner has rejected claims 1-7 and 10-29 under 35 USC 103(a) as being unpatentable over U.S. Patent 5,594,652 to Penn et al. (Penn). The Examiner has rejected claims 8 and 9 under 35 USC 103(a) as being unpatentable over Penn. Applicants respectfully traverse the rejection of claims 1-7 and 10-29 under 35 USC 103(a) as being unpatentable over Penn and the rejection of claims 8 and 9 under 35 USC 103(a) as being unpatentable over Penn. Applicants assert that Penn does not teach or suggest Applicants' currently pending claims 2-5, 8-12, 14-16, 18-22, 24, and 27-38.

Newly added independent claim 30, requires, *inter alia*,

combining said first and second materials in a variably selectable proportion to produce a third material.

Newly added independent claim 34, requires, *inter alia*,
first and second materials [which] are combined in a variably
selectable proportion to produce a third material.

Newly added independent claim 36, requires, *inter alia*,
combining said plurality of materials in selectable proportions
to produce layer materials having different colors.

Applicants respectfully submit that Penn does not teach or suggest, and the Examiner does not assert that Penn teaches or suggests, combining two materials in a "variably selectable proportion to produce a third material," as required by Applicants' independent claims 30 and 34. Furthermore, Applicants respectfully submit that Penn does not teach or suggest, and the Examiner does not assert that Penn teaches or suggests, "combining said plurality of materials in selectable proportions to produce layer materials having different colors," as required by Applicants' claim 36. Penn discloses a system where multiple materials are used to form one layer of an object being built, but does not disclose a system where two materials are combined into one material. For a reference to anticipate a claim, all elements in the claim must be found in the reference. Thus, Penn does not anticipate Applicants' independent claims 30, 34 and 36.

Since each of dependent claims 2-5, 8-12, 14-16, 18-22, 24, 27-29, 31-33, 35, and 37-38 depend from, directly or indirectly, one of independent claims 30, 34 and 36, and therefore include, *inter alia*, all limitations of one of claims 30, 34 and 36, dependent claims 2-5, 8-12, 14-16, 18-22, 24, 27-29, 31-33, 35, and 37-38 are also not anticipated by Penn.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-29 under 35 USC 103(a) as being unpatentable over U.S. Patent 5,594,652 to Penn.

CONCLUSION

Based on the foregoing, Applicants believe the application is now in condition for allowance.

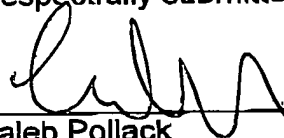
Should the Examiner have any question or comment as to the form, content or entry of this Communication, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further

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issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any additional fees associated with this paper to Deposit Account No. 05-0649.

Respectfully submitted,



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